

**REMARKS/ARGUMENTS**

Claims 1-13 remain in this application.

Claims 10-13 have been added. Antecedent support for the new claims is found on page 1, lines 11-19.

Claims 1 and 5 and 9 have been amended. Antecedent support for the amendments to the claims is found on page 5, lines 19-27, and page 1, line 16 regarding "dynamically."

The Examiner has objected to the Abstract because the examiner indicates that it just states statements of claim preambles. It is respectfully submitted that the Abstract states all the limitations of Claim 1, not only the preamble. Due to the limitation of length, only a single statement is made of the other independent claims.

The Examiner has objected to the figures. Replacement figures are attached. The applicants are confused about the two-month time period to submit new drawings but the three-month time limit to respond to the Office Action. If a one-month extension of time is required for the drawings, then the Examiner has applicants' consent to charge the deposit account for the additional fee associated with the extension identified in the Amendment Transmittal.

The Examiner has objected to the claims because certain terms are not spelled out in their entirety. The claims have been amended to include the complete spelling of the various terms in their first occurrence.

The Examiner has rejected Claims 1-5, 8 and 9 as being anticipated by Hullet. Applicants respectfully traverse this rejection in view of the amendments to the claims.

Referring to Hullet, there is disclosed a method and apparatus for managing the statistical multiplexing of data in digital communication networks. Hullet teaches that the allowable delay per switching node in regard to ATM related quality of service can only be of the order of a hundred cells. Accordingly, general ATM switches offering either virtual path or virtual channel switching are expected to employ small buffers of no more than several hundred cell capacity with the switch loading at such a level as to ensure acceptable cell loss levels resulting from switch buffer overflow, see column 2, lines 56-67. Furthermore, Hullet teaches that since ATM networks offer quality of service guarantees to a set of fully meshed connections across a user network interface, there must be bandwidth resource with sufficient bandwidth provided to accommodate the peak cell flow rates on these connections. See column 3, lines 4-18. Thus, Hullet specifically teaches to provide a method and apparatus for managing the statistical multiplexing of data in a digital communication network. See column 3, lines 35-38.

Hullet teaches that notwithstanding the very large output buffers in the apparatus, buffer overflow might occur when data bursts occur on several converging streams to an input of the apparatus, with consequent cell loss. If it were not for the preventive strategy exercised by the apparatus. When buffer overflow is threatened, the apparatus discards whole newly arriving frames, rather than individual cells from different frames. Frame discarding on a cell by cell basis ceases when the buffer occupancy falls below a selected threshold level. In relation to cell output, data cells in the relevant connections are read from the apparatus buffers by its rate service on lines 58 according to the rate parameters agreed for each. These VPs, together with those from the VC switch 50 on line 62, are then able to be switched and multiplexed by the VP switch output stage 46 in the normal way.

It is respectfully submitted that Hullet does not teach or suggest "a controller which modifies parameters for the connections of the fabric, the input mechanism and a plurality of the output mechanisms except for the non-modifiable output mechanism based on a modify signal, the controller modifying the non-modifiable output mechanism by destroying the connections of the non-modifiable output mechanism and then re-creating the PVx connections of the non-modifiable output mechanism subject to the modified parameters while the input mechanism, output mechanisms, fabric and connections are active in operating," as found in amended Claim 1.

At best, if applicants understand the Examiner's position, only a single input is modified when buffer overflow is threatened; but there is no teaching of modifying the input mechanism, the fabric and the plurality of the output mechanisms except for the non-modifiable output mechanism.

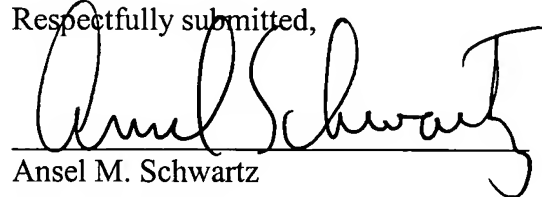
Furthermore, applicants respectfully take exception with the Examiner's interpretation that combined switch VP2 and VP4 is non-modifiable because they remain intact and unchanged, as the Examiner states on page 4 in the middle of the paragraph of the Office Action. A review of column 7, lines 52 and 53 show that Hullet teaches in this combined switch VP2 and VP4 are switched only by the VP switch 36 and the VCs remain intact. There is nothing to indicate that this is a non-modifiable output mechanism, or is non-modifiable whatsoever. In the example, the Examiner cites and as taught by Hullet, all it says is that their VCs remain intact, but that has nothing at all to do with whether they are non-modifiable. In the context of applicants' claimed invention, non-modifiable means that the parameters for the connections at the output mechanism cannot be modified, not that the VCs remain intact in the given time. Accordingly, Claims 1-5, 8 and 9 are not anticipated by Hullet.

The Examiner has rejected Claims 6 and 7 as being unpatentable over Hullet in view of Abdelhamid. Applicants respectfully traverse this rejection. The Examiner cites Abdelhamid simply for teaching setting up a timer for virtual circuit connections within 50 ms. However, Abdelhamid adds nothing to the teachings of Hullet in relevant part, to arrive at applicants' invention of Claim 5. Claims 6 and 7 are dependent to parent Claim 5 and are patentable for the reasons Claim 5 is patentable.

Additionally, newly added dependent Claims 10-13 are patentable for the reasons their parent independent claims are patentable.

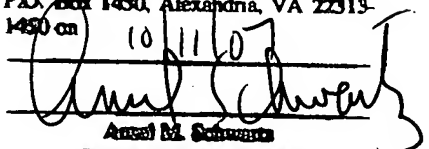
In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-13, now in this application be allowed.

Respectfully submitted,



Ansel M. Schwartz  
Reg. No. 30,587  
201 N. Craig Street, Suite 304  
Pittsburgh, PA 15213  
Tel.: (412) 621-9222

Attachment

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence  
is being deposited with the U.S. Postal  
Service as first class mail in an envelope  
addressed to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-  
1450 on 10/11/07  
  
Ansel M. Schwartz  
Registration No. 30,587